

REMARKS

The Examiner has pointed out that the oath lacks formalities required by 37 CFR 1.63. In response thereto, Applicants attorney has prepared a substitute oath that addresses the issues pointed to by the Examiner. The substitute oath is attached hereto for filing with this communication.

The drawings are objected to under 37 CFR 1.83(a). In response thereto, Applicant has cancelled claims 4 and 8 and amended the figures (in a separate paper addressed to the Official Draftsperson) to show the features of claims 15 and 18. Fig. 2 is amended to show the frame member of an exercising apparatus. Fig. 3 is provided to show an alternate embodiment of the securing arrangement that is realized by a flexible element (such as a length of webbing or the like) that passes over the frame element of the exercise apparatus in addition to a quick release fastening arrangement. This description is found in the last paragraph of page 3 of the application as originally presented, and copied into a paragraph inserted at page 6, line 10 of the application with only reference numerals and reference to Fig. 3 added. No new matter has been added. The amended figures are attached hereto. Thus, it is respectfully submitted that the Examiners objections to the drawings are now moot.

Claims 4, 8, 15, and 18 stand rejected under 35 USC 112, first paragraph. In response thereto, Applicant has cancelled claims 4 and 8, and has amended the figures

and claims 18 to address the issues pointed out by Examiner with respect to claims 15 and 18. Thus, it is respectfully submitted that the Examiner's rejections of the claims under 35 USC 112, first paragraph are now moot.

Claims 5, 8, and 17 stand rejected under 35 USC 112, second paragraph. In response thereto, Applicant has cancelled claims 5 and 8 and has amended claim 17 to address the issues pointed out by Examiner. Thus, it is respectfully submitted that the Examiner's rejections of the claims under 35 USC 112, second paragraph are now moot.

The claims stand rejected under 102(b) as being anticipated by U.S. Patent No. 5,354,131 ("Mogil") and U.S. Patent No. 5,267,679 ("Kamaya"). Applicant has amended independent claims 1 and 18 to more particularly define the present invention. Neither Mogil nor Kamaya teach or suggest the features of the present invention as recited in the amended claims.

More specifically, claims 1 and 18 have been amended to recite, *inter alia*,

"... a securing arrangement means for releasably securing the pouch to the frame member, the securing arrangement including a collar arranged to secure around the frame member, the collar being secured to one of the major faces of the pouch and releasable to permit the collar to be located around the frame member for securing the pouch in close proximity to the frame member."

These features ensure that the pouch of the carrier mount can be easily and conveniently secured to, and released from, a frame member of various exercise apparatus. These features also ensure that the device and pouch are stable when secured to the frame member (i.e., one of the major faces of the pouch being secured to the frame member in close proximity thereto ensures that the pouch and the device do not swing from the frame member during use). The releasable collar enables the device to be conveniently moved between exercise apparatus. Neither Mogil nor Kamaya disclose or suggest these features. In Mogil, the flexible handle 24 is attached to the side exterior surfaces 18 of the carrying container (not one of the major surfaces of the container). In addition, nowhere does Mogil teach or suggest a mechanism that secures the container in close proximity to a frame member of an exercise apparatus. Similarly, nowhere does Kamaya teach or suggest a mechanism that secures the carrying case in close proximity to a frame member of an exercise apparatus. Thus, because both Mogil and Kamaya fail to teach or suggest important features recited in claims 1 and 18, it is respectfully submitted that claims 1 and 18 are patentable over Mogil and Kamaya or any combination thereof.

Dependent claims 2, 3, 6, 7, 9, and 11-17 are patentable over Mogil and Kamaya for those reasons advanced above with respect to claim 1 from which they respectfully depend and for reciting additional features neither taught nor suggested by Mogil and Kamaya.

In light of all of the above, it is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain

outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jay P. Sbrollini", written over a printed name.

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